

**AGENDA MEMO****PLANNING COMMISSION MEETING DATE: DECEMBER 3, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ABEYANCE - SDR-35903 - APPLICANT: YOUNGBLOOD ARCHITECTURE - OWNER: CLIFF FINDLAY AND DONNA FINDLAY FAMILY TRUST**

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**\*\* CONDITIONS \*\*****STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-9641) and Architectural Review Committee (ARC-20653) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date stamped 10/05/09 and the landscape plan, and building elevations, date stamped 11/19/09, except as amended by conditions herein.
4. A Waiver from 19.06.110 E. Town Center Open Space and Landscape Area Requirements is hereby approved, to allow 13.8% where 20% is required.
5. A Waiver from Town Center Landscape Islands and Tree Requirements to allow 52 trees where a total of 63 trees are required for parking fingers.
6. A Waiver from Title 19.12 Landscape and Buffer Standards to allow a zero-foot landscape buffer along the west property line where eight feet is the minimum required.
7. An Exception from Title 19.12 Landscape and Buffer Standards to allow 1112 perimeter buffer trees where 136 is the minimum required.
8. The subject site shall comply with Town Center Development Standards for Trails (Town Center Loop Trail – nine-foot).
9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.

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10. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
11. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
15. A Master Sign Plan shall be submitted for approval of the Centennial Hills Architectural Review Committee—Town Center (CHARC-TC) prior to the issuance of a Certificate of Occupancy for any building on the site and prior to the issuance of any sign permits.
16. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
17. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
18. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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**Public Works**

19. Construct all incomplete half-street improvements (sidewalk) on Azure Drive adjacent to this site concurrent with development of this site. All existing off site improvements damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
20. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
21. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. In accordance with Town Center Standards, submit an Encroachment Agreement for all landscaping, if any, located in the Azure Drive public right-of-way adjacent to this site prior to occupancy of this site.
23. The site shall be designed such that all delivery vehicles can maneuver for loading and unloading on-site; no displaying of vehicles for sale, parking or deliveries to this site shall be permitted in the Azure Drive public right-of-way.
24. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.
25. Site development to comply with all applicable conditions of approval for Z-76-98 and all other applicable site-related actions.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Site Development Plan Review for a proposed 25,375 square-foot Motor Vehicle Sales (New) facility with Accessory Auto Repair on a portion of an undeveloped portion of an 11.57 acre site adjacent to the north side of Azure Drive, between US 95 and Tenaya Way. A related Special Use Permit (SUP-35902) for an Auto Repair Garage (Major) use has been submitted with this request. The applicant fails to comply with Town Center Landscape and Tree Requirements, Town Center Open Space Requirements, and Perimeter Landscaping buffer width and overall tree count requirements; therefore denial of the request is recommended. If denied, the subject site would remain undeveloped until a future entitlement was approved.

**ISSUES**

- The applicant has requested Waivers and an Exception as a part of the subject Site Development Plan Review.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b>	
No change of ownership has occurred on the subject site.	
05/02/90	The City Council approved a Rezoning (Z-0024-90) from N-U (Non-Urban) and C-2 (General Commercial) to R-PD9 (Residential Planned Development – 9 Units per Acre and C-1 (Limited Commercial) located on the north side of Tropical Parkway and east of Rancho Drive. The Planning Commission and staff recommended denial of the request.
03/09/98	The City Council approved a Rezoning (Z-137-97) from R-PD7 (Residential Planned Development - 7 Units Per Acre) Zone and R-E (Residence Estates) under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre) to PD (Planned Development) on 11.00 Acres on property located south of Centennial Parkway, east of Rancho Drive. The Planning Commission and staff recommended approval of the request.

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12/07/98	The City Council approved a Rezoning (Z-0076-98) on property located within the area designated Town Center on the Northwest Amendment to the General Plan from U (Undeveloped), R-E (Residence Estates) R-PD7 (Residential Planned Development – 7 Units per Acre), R-PD11 (Residential Planned Development – 11 Units per Acre), R-PD13 (Residential Planned Development – 13 Units Per Acre), R-PD18 (Residential Planned Development – 18 Units Per Acre), R-CL (Single Family Compact-Lot), C-1 (Limited Commercial), C-2 (General Commercial), C-V (Civic), and P-D (Planned Development) to T-C (Town Center) on 1,468 acres including multiple parcels. The Planning Commission and staff recommended approval of the request.
12/01/99	The City Council approved a General Plan Amendment (GPA-0030-99) to amend a portion of the Northwest Sector Plan on property located on the southeast corner of Buffalo Drive and the proposed Beltway, from R (Rural Density Residential), to TC (Town Center) and a request to amend a portion of the Town Center Land Use Plan, from M-TC (Medium Density Residential - Town Center), to SX-TC (Suburban Mixed Use) (portion of site) and from SX-TC (Suburban Mixed Use), to GC-TC (General Commercial - Town Center) (portion of site), on 63.69 acres. The Planning Commission and staff recommended denial of the request.
12/21/05	The City Council approved a Site Development Plan Review (SDR-9641) for a New Car Dealership with Waiver of the Town Center Parking Lot Landscape Requirements, Open Space Requirements, Building Placement Requirements, and Streetscape Requirements and a Special Use Permit (SUP-9966) for a proposed New Car Dealership with Service Bays Facing a Public Right-of-Way adjacent to the north side of Azure Drive, between US 95 and Tenaya Way. The Planning Commission and staff recommended approval of the request.
04/03/07	The Centennial Hills Architectural Review Committee (ARC-20653) approved a Master Sign Plan and a Waiver of the Town Center Development Standard to allow two 17-foot and seven-inch monument signs where eight feet is the height limit for an Automobile Dealership at 7494 W. Azure Drive.
11/05/09	The Planning Commission, at the request of the applicant, held in abeyance requests for Site Development Plan Review (SDR-35903) for a proposed 25,375 square-foot Motor Vehicle Sales (New) facility with accessory Auto Repair with a Waiver of Town Center Landscape Island and Tree requirements to allow 52 trees where 63 are required and Waivers of Title 19 requirements to allow a zero-foot buffer where eight feet is the minimum required along the west perimeter and a Waiver of Open Space requirements to allow 13% where 20% is the minimum required on a portion of an 11.57 acre site adjacent to the north side of Azure Drive, between US 95 and Tenaya Way.

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<b><i>Related Building Permits/Business Licenses</i></b>	
09/20/07	A Business License (#A16-01282) was issued for Automobile Sales at 7494 West Azure Drive. The license remains active at this location.
03/11/08	A Building Permit (#92726) was issued for a certificate of occupancy at 7494 West Azure Drive. The permit was finalized on 02/24/09.
<b><i>Pre-Application Meeting</i></b>	
08/24/09	<p>A pre-application meeting was held on the indicated date. The following items were discussed:</p> <ul style="list-style-type: none"> <li>• Town Center Development Standards</li> <li>• Special Use Permit required for Auto Repair Garage (Major)</li> <li>• Waivers of Title 19 and Town Center</li> <li>• Future re-mapping of the subject site</li> </ul>

<b><i>Neighborhood Meeting</i></b>
A neighborhood meeting is not required nor was one held.

Field Check	
09/17/09	<p>A field check was completed on the indicated date. The following items were observed by the Planning and Development staff.</p> <ul style="list-style-type: none"><li>• Staff observed an existing Automobile Dealership on a portion of an overall site.</li><li>• Staff observed an undeveloped site with no landscaping adjacent to Azure Drive.</li></ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	A portion of a 11.57 acre site

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Auto Dealership and Undeveloped portion of the Site	TC (Town Center)	T-C (Town Center) [GC-TC (General Commercial - Town Center) Special Land Use Designation]
North	Right-of-Way (Clark County 215)	Right-of-Way (Clark County 215)	Right-of-Way (Clark County 215)
South	Retail	TC (Town Center)	T-C (Town Center) [SX-TC (Suburban Mixed-Use - Town Center) Special Land Use Designation]

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East	Undeveloped and Auto Dealership	TC (Town Center)	T-C (Town Center) [SX-TC (Suburban Mixed-Use - Town Center) Special Land Use Designation]
West	Undeveloped	TC (Town Center)	T-C (Town Center) [GC-TC (General Commercial - Town Center) Special Land Use Designation]

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>			
T-C Town Center District	X		N
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
T-C (Town Center) District	X		N
<b>Trails (Beltway Trail)</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

***Pursuant to Town Center Commercial Development Standards – Table 2***

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front (South property line)	15 Feet	153.5 Feet	Y
• Side (West property line)	10 Feet	270 Feet	Y
• Side (East property line)	10 Feet	627 Feet	Y
• Rear (North property line)	20 Feet	60 Feet	Y
Max. Building Height	Two stories	One story or 24.6 feet	Y
Trash Enclosure	Screened	Screened	By Condition
Mech. Equipment	Screened	Screened	By Condition

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***Pursuant to Title 19.12 Landscape and Buffer Standards and Town Center Landscape Requirements***

<b><i>Landscaping and Open Space Standards</i></b>				
<b><i>Standards</i></b>	<b><i>Required</i></b>		<b><i>Provided</i></b>	<b><i>Compliance</i></b>
	<b><i>Ratio</i></b>	<b><i>Trees</i></b>		
Parking Area	1 Tree/6 Spaces	63 Trees	52 Trees	N
Buffer:				
Min. Trees				
Front: south perimeter	1 Tree/20 Linear Feet	25 Trees	25 Trees	Y
Side: west perimeter	1 Tree/30 Linear Feet	14 Trees	14 Trees	Y
Side: east perimeter	1 Tree/30 Linear Feet	14 Trees	12 Trees	N
Rear: north perimeter	1 Tree/30 Linear Feet	20 Trees	17 Trees	N
<b>TOTAL</b>		136 Trees	112 Trees	N

Min. Zone Width			
Front: south perimeter	15 Feet	15 Feet	Y
Side: west perimeter	8 Feet	Zero Feet	N
Side: east perimeter	8 Feet	8 Feet	Y
Rear: north perimeter	8 Feet	8 Feet	Y
Wall Height	6 Feet	6 Feet	Y

***Town Center Streetscape Standards for Frontage/Loop Roads (90-foot Azure Drive)***

<b><i>Streetscape Standards</i></b>	<b><i>Required</i></b>	<b><i>Provided</i></b>	<b><i>Compliance</i></b>
Town Center Loop Road – 90-Foot (Azure Drive)	4-Foot Amenity Zone 5-Foot Sidewalk 15-Foot Landscape Buffer	4-Foot Amenity Zone 5-Foot Sidewalk 15-Foot Landscape Buffer	Y

<b><i>Open Space – Pursuant to Title 19.06.110.E</i></b>			
<b><i>Total Landscape Area</i></b>	<b><i>Required Percent</i></b>	<b><i>Provided Percent</i></b>	<b><i>Compliance</i></b>
24,390 square-feet	20%	13.8%	N

***Pursuant to Title 19.10, the following parking standards apply:***

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Motor Vehicle Sales (New & Used)	25,375 SF	1 space per 500 SF of GFA	48	3	267	7	Y
TOTAL			51		274		Y



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<b>Waivers</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
Pursuant to 19.06.110.E a 20% open space requirement.	13.8%	Denial
Town Center Landscape Islands and Tree Requirements-63 trees are required for parking fingers.	52 Trees	Denial
Pursuant to Title 19.12 Landscape and Buffer Standards an eight-foot landscape buffer is required along the west perimeter buffer	Zero Feet	Denial
<b>Exceptions</b>		
<b>Requirement</b>	<b>Request</b>	<b>Staff Recommendation</b>
Pursuant to Title 19.12 Landscape and Buffer Standards a total of 136 trees are required in the landscape buffers	112 Trees	Denial

## **ANALYSIS**

The applicant is proposing a 25,375 square-foot Motor Vehicle Sales (Used, with New Car Sales) facility with Accessory Auto Repair. There are a total of 267 regular parking spaces and seven handicapped spaces. The building will consist of a showroom, offices, automotive repair and parts storage. The overall site is accessed from Azure Drive a 90-foot Town Center Loop Road.

- **Trails**

There are two trails adjacent to the subject site. The first trail is located adjacent to the southern portion of the site, which is indicated as an existing Nine-foot Town Center Loop Trail. The second trail is located on the northern portion of the subject site, which is indicated as the Beltway Trail. The Beltway Trail is located on the north side of the subject site. This trail is not required to be built by the applicant and will be constructed at a later date by the City of Las Vegas. The Beltway Trail has in the past qualified for funding from Southern Nevada Public Lands Management Act (S.N.P.L.M.A.) land sales.

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- **Elevations**

The submitted elevations indicate a proposed one-story building with a height of 24.6 feet. The elevations are typical of Motor Vehicle Sales and Auto Repair Garages. The applicant is proposing to utilize CMU, block, glazed windows and roll-up doors. The building materials are consistent with other automobile dealerships in the area.

- **Waivers/Exceptions**

The applicant is seeking three Waivers and one Exception as a part of the subject application. The applicant fails to comply with Town Center Landscape and Tree Requirements, Title 19 Open Space Requirements, Perimeter Landscaping buffer and overall tree count. First, Town Center Landscape Islands and Tree Requirements require 63 trees for parking fingers, but the applicant is providing 52. Second, pursuant to 19.06.110.E there is a 20% open space requirement for projects within Town Center, but the applicant is providing 13.8%. Third, Pursuant to Title 19.12 Landscape and Buffer Standards an eight-foot landscape buffer is required along the west perimeter buffer, but the applicant is providing a zero-foot buffer. Finally, the Exception pertains to Title 19.12 Landscape and Buffer Standards, which requires a total of 136 trees in the landscape buffers, but the applicant is providing 112 trees. Staff cannot support the requested Waivers, as they are excessive and incompatible with developments in Town Center.

- **Streetscape Plan/Landscape Plan**

The landscape plan conforms to Town Center Streetscape Standards, which includes; a four-foot amenity zone, five-foot sidewalk and a 15-Foot landscape buffer. The applicant is providing a variety of trees, including Mexican Fan Palm, Rio Grande Ash and Chitalpa. A variety of five gallon shrubs and accent trees are also being provided on the subject site.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development is inconsistent with Town Center Landscape Standards as well as adjacent development in the area.

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- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is inconsistent with both Town Center Landscape and Island requirements and Title 19.12 Landscape and Buffer Standards. The applicant has failed to comply with open space, tree counts and buffer widths.

- 3. Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The overall site is accessed via Azure Drive. Azure Drive is indicated as a 90-foot Loop Road as designated by the Town Center Street Classifications. Azure Drive will provide adequate access to the site and will not negatively impact adjacent roadways or neighborhood traffic.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The landscape materials are inappropriate for the area of the City. The applicant fails to comply with Town Center Landscape and Tree Requirements, Title 19 Open Space Requirements, Perimeter Landscaping buffer and overall tree count.

- 5. Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations and design characteristics are appropriate for this area of the City. The design characteristics are compatible with adjacent retail and similar Motor Vehicle Sales (New) developments in Town Center.

- 6. Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

The proposed development will be subject to regular City and County inspections for licensing and will therefore not compromise the public health, safety and welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**NOTICES MAILED**

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